

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LEONARD CARTER, JR,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:12CV660-HEH
)	
COMMONWEALTH OF VIRGINIA,)	
<i>et al.</i> ,)	
)	
Defendants.)	


MEMORANDUM OPINION
(Dismissing Civil Action Without Prejudice)

By Memorandum Order entered on October 4, 2012, the Court denied Plaintiff's request to proceed *in forma pauperis* and directed Carter to either submit the \$350.00 filing fee or complete and return a new *in forma pauperis* affidavit within fifteen (15) days of the date of entry thereof. Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and as a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Carter.

It is so ORDERED.

Date: May 16, 2013
Richmond, Virginia



HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE